

HOUSE BILL REPORT

SSB 6199

As Reported by House Committee On:
Agriculture & Natural Resources

Title: An act relating to addressing wildfires caused by incendiary devices.

Brief Description: Addressing wildfires caused by incendiary devices.

Sponsors: Senate Committee on Natural Resources & Parks (originally sponsored by Senators Braun and Hargrove).

Brief History:

Committee Activity:

Agriculture & Natural Resources: 2/21/14, 2/25/14 [DPA].

Brief Summary of Substitute Bill
(As Amended by Committee)

- Creates criminal liability for individuals who use or detonate incendiary ammunition, sky lanterns, or exploding targets on specific land use types during specified times of the year.

HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: Do pass as amended. Signed by 15 members: Representatives Blake, Chair; Lytton, Vice Chair; Buys, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Chandler, Dunshee, Haigh, Hurst, Kretz, Orcutt, Pettigrew, Schmick, Stanford, Van De Wege and Warnick.

Staff: Jason Callahan (786-7117).

Background:

Between the dates of April 14 and October 15, or another date range designed by the Department of Natural Resources (DNR), it is unlawful to throw away any lighted material (such as a cigarette, match, charcoal, or fireworks), or discharge any tracer or incendiary ammunition, in any forest, brush, range, or grain area. Those dates are defined in statute as the "closed season." A violation of this provision is punishable as a misdemeanor.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Tracer or incendiary ammunition is prohibited on land managed by the DNR year-round.

Summary of Amended Bill:

The prohibition on discharging incendiary and tracer ammunition on forest, brush, range, or grain lands during the closed season is expanded to include detonating an exploding target and releasing a sky lantern. The specific ban on tracer ammunition is removed; however, the concept of tracer ammunition is added to the definition of incendiary ammunition.

Nonflammable exploding targets are still allowed to be used during the closed season if the targets are used with the permission of the landowner. Prohibitions relating to the closed season do not apply if the underlying acts are conducted consistent with fire suppression efforts of the DNR.

Additional prohibitions are also created for time periods other than the closed season. When it is not the closed season, it is unlawful to discharge incendiary ammunition, release a sky lantern, or detonate an exploding target on or over forest, brush, range, or grain lands when the person doing the act does not own the land in question or have prior written permission to do the acts from the owner of the land.

The term "exploding target" is defined as a device that is designed or marketed to ignite or explode when struck by firearm ammunition or other projectiles. The term "sky lantern" is defined to mean an unmanned, self-contained luminary device that utilizes heated air produced by an open flame to remain airborne. The term "incendiary ammunition" is defined to mean flammable ammunition that is designed to explode upon impact or designed to trace its course in the air with a trail of smoke, fire, or chemical incandescence.

Amended Bill Compared to Substitute Bill:

The striking amendment changes the definition of "exploding target," allows the use of nonflammable exploding targets year round on land owned by the actor or with the permission of the landowner, and clarifies that the exemption for actions authorized by the DNR is related to fire suppression activities.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Forest fires have been started by various flammable devices that have led to losses of productive acreage and money. These devices are starting to be seen with greater regularity, and limiting their use will proactively reduce threats of fire on forest and range lands. The devices banned in the bill are already banned on state and federal lands. The bill merely extends these protections to private landowners.

(In support with concerns) As broad a class of devices as possible should be banned because it is often difficult for fire investigators to identify just what device caused a fire.

(Opposed) None.

Persons Testifying: (In support) Tim Boyd, Port Blakely Tree Farm; and Jack Field, Washington Cattlemen's Association.

(In support with concerns) Mary Vernor, Washington Department of Natural Resources.

Persons Signed In To Testify But Not Testifying: None.